



Minutes of the State Board of Health

November 8, 2006

Grand Ridge Elementary School, 1739 NE Park Drive, Issaquah, WA 98029

WSBOH members present:

Kim Marie Thorburn, MD, MPH, Chair
The Honorable Mike Shelton, Vice Chair
The Honorable David Crump, PhD
Keith Higman

Frankie T. Manning, MN, RN
Mary Selecky
Karen VanDusen

WSBOH members absent:

Patricia Ortiz, M.D.

Mel Tonasket

State Board of Health Staff present:

Craig McLaughlin, Executive Director
Desiree Robinson, Executive Assistant
Heather Boe, Communications Consultant
Laurie Fait, Administrative Assistant

Ned Therien, Health Policy Analyst
Tara Wolff, Health Policy Analyst
Melissa Burke-Cain, Assistant Attorney General

Guests and Other Participants:

Debra Aungst, Puyallup School District
Jennifer Aspelund, Parent
Nancy Bernard, Department of Health
Carmen Caldwell, U.S. EPA
Rose Carlmes, Renton School District
Denise Clifford, Department of Health
Mark Cooper, Citizen
Kim Cushing, Senate Committee Services
P.J. DeBenedetti, Moses Lake School District
David De Long, Tacoma Pierce County Health
Department
Eric Dickson, ESD 101
Rob Duff, Department of Health
Martin Durkan, Citizen
Scott Emry, Lake Washington School District
Denise Fren, Washington Education
Association
Ryan Fujiwara, Northshore School District
Mary Jane Glaser, Tahoma School District
Board of Directors
James Green, Citizen
Krista Hanson-Walker, Washington Education
Association -IAQ

Patricia Jatczak, Office of Superintendent of
Public Instruction
Gary Jefferis, Everett School District
Rick Jones, Burlington-Edison School District
Mary Sue Linville, Washington Schools Risk
Management Pool
Dean Maek, Issaquah School District
Maria Mason, Coalition for Environmental
Safety Board
Bob Miulli, Mukilteo School District
Forrest Miller, Lake Washington School District
Deb Morgan, Washington State Parent Teacher
Association
Terry Munther, ESD 101
Kim Neill, Citizen
Tim Nogler, Building Code Council
Kathy O'Toole, Washington Education
Association
Glen Patrick, Department of Health
Kim Thompson, Office of Superintendent of
Public Instruction
Thelma Simon, Citizen
Dr. Robert Van Slyke, Bethel School District

Dr. Sheela Sathyananrayana, University of
Washington
Lon Stern, Department of Health
Susan Titus, U.S. EPA

Ewan Ujiiye, Northshore School District
Mike Young, Snohomish Health District
Grace Yuan, Puget Sound School Coalition

Dr. Kim Marie Thorburn, WSBOH Chair, called the meeting to order at 9:05 a.m. and read from a prepared statement (on file). She thanked the Issaquah Schools for hosting the event. She stated that the Board's goal is to develop a rule that is workable for stakeholders and one that agencies across the state will use to protect our children in schools.

WELCOME AND INTRODUCTIONS

Steve Crawford, Director, Capital Projects, Issaquah School District welcomed the Board to the Issaquah School District. He discussed Grand Ridge Elementary highlighting the design, cost, and siting of the new school.

1. EXISTING PROGRAMS – WHAT WORKS AND WHAT ARE THE BARRIERS?

a. School District Construction and Maintenance

- i. Ryan Fujiwara, North Shore School District, discussed the North Shore School District's Water Quality Testing Program. See Tab 1a for presentation. Mr. Fujiwara responded to Board questions regarding the costs and impacts of the program. He said it cost 25 percent of the operations and maintenance budget of the school district to test 2,000 water samples for lead. He said test results are available on the district's Web site and by request. The program has resulted in the remediation of 80 fixtures since 2004.
- ii. Gary Jefferis, maintenance director, Everett School District, provided a presentation on the Everett Public School Indoor Environment Program. See Tab 1b for presentation. At the Board's request, Mr. Jefferis detailed the causes that led to the implementation of the environmental program. He said district staff has the technical expertise to conduct indoor air quality assessments. The Snohomish Health District does annual inspections. He explained that communication with school staff and the public was a priority. He said that the school district has 25 schools and the district's environmental assessment program costs \$80,000-\$100,000 annually. He said school districts could develop similar programs without the Board adopting mandates.

b. Local Health Jurisdictions

- i. Juliana Awbrey, Spokane Regional Health District, presented information about their health district's school program. She reviewed its history, scope, funding sources, successes, and challenges. See Tab 1b for presentation. In response to board inquiry, Ms. Awbrey detailed the complexities of financing the school inspection program in Spokane.
- ii. Darrell Cochran, Thurston County Public Health and Social Services, reviewed Thurston County's school health and safety program. He discussed its core focus, history, activities, survey process, staffing levels, funding source, relationships, and outlook for future. See Tab 1b for presentation.

c. Educational Service Districts

- i. Dr. Terry Munther, Superintendent, Educational Service District 101, provided a presentation about ESD school safety programs. See Tab 1c for presentation. He stressed that his ESD works to establish a partnership between the diverse school districts in his area regarding school safety and strives to establish trust. He also stated that the districts are entering another three-year inspection period with the health district, so his ESD is starting to receive more requests from the school districts for assistance from the ESD's industrial hygienist. He said most other ESDs lack an industrial hygienist. Each ESD has programs that are market-driven by the school districts in the area.

The Board took a break at 11:05 a.m. and reconvened at 11:10 a.m.

2. **SCHOOL FUNDING SOURCES AND LIMITATIONS**

- a. Debra Aungst, Assistant Superintendent, Puyallup School District, provided a presentation on school funding and limitations. See Tab 2a for presentation. She stressed the difficulty of working with an outdated funding paradigm. Ms. Aungst talked about district-wide cuts because of funding issues. She said class sizes continue to increase, security, custodial, maintenance, clerical, and total program services continue to be reduced and sometimes eliminated.
- b. Dr. Richard Jones, Superintendent, Burlington-Edison School District, spoke about the challenges he faces as a superintendent in a smaller school district. He detailed his role in communicating with the public about funding issues. He described his district's inability to correct identified "sick building" problems in one of his schools due to the failure of a school levy.
- c. Kim Thompson, Office of Superintendent of Public Instruction, Educational Finance Office, provided a presentation on state funding of schools, construction, and remodeling. See Tab 2c for presentation.
- d. Bill Panos, Office of Superintendent of Public Instruction, Director of Facilities, provided a presentation on Washington High Performance School Buildings. See Tab 2d for presentation.

3. **UPDATE ON ENVIRONMENTAL HEALTH ISSUES**

- a. Nancy Bernard, Coordinator of the School Environmental Health & Safety Program, Department of Health, gave a presentation on indoor air quality (IAQ) in schools. See Tab 3a materials. She talked about provisions in Chapter 246-366 WAC and the Building Code Council's Chapter 51-13 WAC, Ventilation and Indoor Air Quality. She referenced guidance documents from the EPA, DOH/OSPI, and the Washington Sustainable Schools Protocol. Ms. Bernard stated that children are especially susceptible to air pollution and that IAQ in schools is a particular concern for health, safety and learning issues. DOH provides training and consultation to schools and local health jurisdiction staff. It helps address basic ventilation and IAQ issues; operation and maintenance issues; carbon dioxide monitoring; allergens; asthma triggers; and mold. It provides guidance to schools and can assist with implementing EPA's Tools for Schools program. In response to a Board question DOH program's capacity, she said she is the only staff person and does not have the time to help every school establish an IAQ program.
- b. Robert Duff, Director of Environmental Health Assessment, Department of Health, gave a presentation titled, "Why a site assessment?" See Tab 3b. He talked about arsenic as an area-wide toxin of concern in soil around Tacoma due to a closed smelter and in Central Washington

due to pesticides previously used in orchards. He said it is important to determine if a location is a good place to site a school, and DOH assists the Department of Ecology in such issues. He discussed things that a school may encounter during a site assessment. Mr. Duff explained the site assessment process. He mentioned potential hazards from air pollutants near major roadways and a 500-foot distance rule of thumb. Mr. Duff said Ecology is currently involved in remediation projects on the east side of the state but that it is better to do this evaluation prior to school siting.

Ms. Bernard stated that all local health jurisdictions do some site assessment and that they have to sign off on the site prior to construction; however, this has been an evolving process.

The Board took a lunch break at 1:00 p.m. and reconvened at 1:45 p.m.

4. **MATRIX OF AGENCY RESPONSIBILITIES IN K-12 SCHOOLS**

Mark Soltman, Department of Health, gave a presentation of the “Matrix of Agency Areas of Regulation in Schools, Grades K-12.” The matrix provides a statewide overview of all agencies involved in school regulation. It graphically displays agencies’ area of responsibility and the level of regulation within each focus area. The five categories discussed were area siting, design, operation & maintenance, oversight and assurance. Board Member Mary Selecky, Secretary of Health, commented that the Board should not be left with the impression that the matrix covers the entire “waterfront.” Mr. Soltman agreed. He noted, for example, that the responsibilities of local school boards are not listed. Member Shelton pointed out that the matrix shows that the agencies do not currently strongly address operations and maintenance of existing buildings. Most regulatory emphasis is on site approval and building design. He said that the matrix shows gaps exist in addressing issues of operation/maintenance and oversight/assurance.

5. **BEGINNING GAP ANALYSIS – FACILITATED PANEL DISCUSSION**

David Crump, WSBOH Member, led the panel discussion to assist the WSBOH members understand gaps in protections and the areas they might address in Board rule making. The panel was first asked to list priority issues for them and then to respond to questions from Board members.

a. **Member Crump asked panelists to name the top three things they see as issues regarding environmental health and safety in schools. The responses were:**

Bill Panos, Office of Superintendent of Public Instruction

1. Resource funding alignment, properly aligned
2. Integrated, self-directed school approach
3. Continuous improvement

Kathy O’Toole, Washington Education Association

1. Protocols and checklists for inspection and maintenance of buildings
2. IAQ standards applicable after school is built
3. Communication to parents, employees, community of inspections results

Mary Sue Linville, Washington Schools Risk Management Pool

1. Education of staff, students and parents about the issues
2. Communication process (two-way) needs to be put in place
3. Resources to provide adequate maintenance in schools

Deb Morgan, Washington State PTA, Vice President

1. Be sensitive to all of the funding demands for schools

Mary Jane Glaser, Tahoma School District Board of Directors (Washington State School Director's Association)

1. Revision of funding structure for public schools
2. Proper operation and maintenance of existing schools
3. More attention to needs for older structures
4. Avoiding unfunded mandates on schools

James Green, Cle Elum parent

1. Responsive complaint and appeals process for the complainant and injured party
2. Clear set of standards and penalties
3. Honestly reveal problems in schools to the public

Gary Jefferis, Everett School District (Washington Association of Maintenance and Operations Administrators)

1. Maintenance funding has been reduced because of many unfunded mandates on schools
2. Guidelines and training of school and local health staff
3. Communication and collaboration between school districts, local health, and DOH

Tim Nogler, Managing Director, Washington State Building Code Council

1. Continuous maintenance of the Code Council's standards can affect schools (e.g., point of exhaust)
2. Integration and coordination between agencies with input from stakeholders
3. Resources, including for local building officials

P.J. De Bennetti, Moses Lake School District (Washington Association of School Administrators)

1. Funding formulas need to be readjusted (capital versus maintenance/operations)
2. Need to consider susceptibility of children versus adults (exposure levels)
3. Resources need to match requirements

Darrell Cochran, Thurston County Health Department

1. Training of school and local health staff on operations and maintenance issues
2. Oversight and assurance
3. Standardization of criteria for school siting (and training)

Sheela Sathyanarayana, NW Pediatric Environmental Health Unit

1. Transparent communication process between parents and school staff
2. Use the local health specialists available, especially of neutral organizations (e.g., UW medical community)
3. Recognize consequences of allergies and take a holistic approach

- b. Member Crump asked Board members to discuss, with participation from the panelists, the scope of a Board rule and how to address the issues in a collaborative way.**

Secretary Selecky asked for clarification on the goals of Washington Learns. She commented that the Board has been asked to solve more issues than it has authority to address. The process has benefited the Board by engaging many more stakeholders. She said that the ultimate responsibility for school issues lies with local school boards, which are locally elected.

Board Member Karen VanDusen commented that operations and maintenance is a major funding concern. She said Article IX of the State Constitution does not appear to have language that speaks to maintaining the environment in which children learn. She asked if Washington Learns is doing anything to improve the funding of operation and maintenance. She stated that a complaint process was important, but would be hard to build into the Board's rule. Good communication is a key need. The School Rule Development Committee (SRDC) recommendations should be kept in mind. The SRDC came up with some targeted things that need to be addressed. She said that there were differences of opinion on how to address those things, whether in rule or guidelines. The Board should consider those recommendations in context with what it has learned.

Board Member Mike Shelton said everyone has a common goal of having safe places to educate our children. He said, probably because of a lack of communication, people feel great frustration and a sense that our schools are unsafe and no one is doing anything about it. A lack of resources is a problem. He said he fears because the Board does not hold the purse strings; its power is not as great as that of the participants involved if they would go to the Legislature. The solutions to the problems seem to become more unclear the further the Board goes along. The solutions do not completely reside with this Board.

Board Member Frankie Manning stated that the Board's role is to consider the health issues. The health of the children is what is important. Funding the solutions is a secondary problem. She said each agency involved with school health and safety should seek input from parents and teachers.

Board Member Keith Higman commented that the Board has an existing rule supported by a great K-12 guidance document. Because of the age of the rule, we are re-examining it. He said the discussions the Board is having might have changed if we could have taken the funding problems out of the equation. He said that looking at the Everett model has merit.

Deb Morgan explained that Washington Learns is trying to come up with a better definition of basic education, which could affect funding sources for schools. She said the expectation is that Washington Learns will address funding the entire pie. Currently there is a funding problem because the system is "robbing Peter to pay Paul."

Mary Jane Glazer said Washington Learns does not appear to have the "teeth" to deal with maintenance and operations issues. She said that she realizes the Board does not have funding authority, but she is hoping the Board's "clout" can influence decisions of the Legislature. She said local school boards have lost control due to mandates. She shared a story of trying to resolve pesticide use issues raised by a parent in her district.

Gary Jefferis expressed concern about unfunded mandates coming from Board rules. He said local health departments should receive funding for their programs, rather than putting the burden on the schools to fund them by paying fees. He said there is a need to get back to the true meaning of what we are trying to accomplish, which is establishing a safe environment for

our children. Most school districts do not have problems. A collaborative approach will work best. The rule development process should go back to the beginning and consider that not everything needs to be addressed in rule.

Mary Sue Linville said that she believes the role of the Board is to determine the minimal requirements for environmental health and safety in schools. The rule should be based on best science and focus on the basics that give the “most bang for the buck.” She encouraged the Board to minimize the requirements in the rule and think about expanding the content of the K-12 Health and Safety Guide for much of the solution.

Kathy O’Toole explained that maintenance and operation requirements are not mandated now. She stated that if maintenance and operation requirements become mandated, they will rise in priority and be funded just as special education requirements are now.

Mr. Green commented that providing safety has a cost. If you do not deal with it today, it will come back to bite you tomorrow. He asked the Board to set minimum standards, and then the legislature can sort out the funding. He will go to the legislature.

Member Crump summarized he heard that the top three major issues of concern are:

- Lack of resources
- Caution about unfunded mandates
- Use the Board’s influence with Washington Learns regarding funding

Chair Thorburn added that she heard additional areas of concern include:

- Integration and alignment of responsibilities
- Accountability
- Operation and maintenance
- Communication (transparency)

Chair Thorburn commented that, unfortunately, most of the issues cannot be fixed with Board rules. She questioned whether the Board had authority for dealing with problems of operation and maintenance. She said the Board has some legal homework to do regarding this. She stated that the challenge is to adopt a rule that will be implemented statewide. She commented that collaboration and partnership could leverage the limited resources of all. She closed the session by saying that the Board is very appreciative of everyone’s comments.

The Board recessed for break at 3:35 p.m. and reconvened at 3:50 p.m.

6. HEALTHYSEAT AND TOOLS FOR SCHOOLS

Susan Titus, US Environmental Protection Agency, gave a presentation on Tools for Schools, a school level program. See Tab 6a for presentation. She said that poor IAQ can be an expensive problem, but there is a loss of public trust because of bad IAQ. Schools can improve their IAQ by implementing Tools for Schools and some problems are not that expensive to resolve. Being proactive can avoid many situations. Tools for Schools has been around for ten years. EPA would like to see it used in every school.

Carmen Caldwell, US EPA, explained the newer HealthySEAT tool that helps school districts identify and address many types of environmental health issues. See Tab 6b for a summary of the

program and Tab 6c for her presentation. Ms. Caldwell discussed the impact of not addressing these issues. She explained EPA's Healthy School Initiative Web site: www.epa.gov/schools, which includes the HealthySEAT materials. The software can be customized by each school district and for statewide implementation.

Eric Dickson, Industrial Hygienist, Educational Service District 101, explained that the Tools for Schools program, despite resistance upon initial introduction because of the EPA association, is now well received and many schools are implementing it. ESD 101 worked with EPA to implement it in its area. He talked about findings on Tools for Schools walk-throughs. He said assistance with implementation is useful because things like readings for CO₂ need interpretation. He stressed that Tools for Schools is a “really cool tool” that can be used to involve students even at the elementary level. See Tab 6d for his presentation.

7. BASELINE HEALTH DATA AND ASSESSMENT

Glen Patrick, Department of Health, described an electronic health data and assessment tool he developed under a CDC grant. It focuses on collection of data to assess student health and environment quality in schools. One goal is to encourage adoption of a standardized coding. The tool was pilot tested and is starting to be adopted by school districts on a voluntary basis. Mr. Patrick also described a loan program through Washington State University for equipment to monitor IAQ. Mr. Patrick emphasized that we are striving for sustainability. See Tab 7 for his presentation.

8. PROGRAMS IN OTHER STATES

Ms. O'Toole, Washington Education Association provided an overview of school health and safety programs in some other states. See Tab 8 for her presentation. Ms. O'Toole made some recommendations: require school districts to have an IAQ plan; require school districts to use specific maintenance practices; set required protocols for school inspections; adopt rules setting IAQ standards; establish public and employee right to know.

ADJOURNMENT

Chair Thorburn, adjourned the meeting at 5:15 p.m.